



The Chrysler Building  
405 Lexington Avenue, NY, NY 10174-1299  
Tel: 212.554.7800 Fax: 212.554.7700  
[www.mosessinger.com](http://www.mosessinger.com)

Robert D. Lillienstein  
Direct: 212.554.7807  
[rlillienstein@mosessinger.com](mailto:rlillienstein@mosessinger.com)

November 12, 2015

**VIA ECF**

Hon. Katherine B. Forrest  
United States District Court for the  
Southern District of New York  
U.S. Courthouse  
500 Pearl Street, Courtroom 15A  
New York, NY 10007

Re: *Ritchie v. Northern Leasing Systems, Inc.*; No. 12-cv-4992 (KBF)(HBP);

Dear Judge Forrest:

I write in response to Mr. Chittur's letter of this afternoon (ECF 236). In his desperate attempt to salvage his credibility, Mr. Chittur has once again engaged in shameful dissembling to this Court.

Mr. Chittur explains his request for an adjournment of the October 21, 2015 mediation conference with Magistrate Judge Pitman with the following excuse:

On the date that the Magistrate Judge scheduled the conference (October 21, 2015), we were schedule to go on trial in another three year old lawsuit in the N.Y. City Civil Court, N.Y. County (Northern Leasing v. Leite, (Index No. 22033/12). The trial had already been adjourned (at Northern Leasing's instance) twice earlier, and we believed that the trial would proceed as scheduled.

In fact, the *Leite* trial date was set by N.Y.C. Civil Court Judge Paul Goetz **on July 1, 2015**.<sup>1</sup> The October 21, 2015 mediation conference was scheduled during a conference call with Mr. Chittur and Magistrate Judge Pitman **on September 22, 2015**. In other words, Mr. Chittur agreed to the October 21, 2015 mediation conference knowing that the *Leite* trial was scheduled for the same date. He had to know that he would have to ask for an adjournment of the October 21<sup>st</sup> mediation conference at the time he agreed to it -- that is, if he truly planned to appear in the Civil Court on October 21<sup>st</sup> for the *Leite* trial. In fact, Mr. Chittur did not make an appearance in the Civil Court for the *Leite* case on October 21, 2015. According to Elliott Babbad, the attorney who handles most Civil Court appearances for Northern

---

<sup>1</sup> I have confirmed that the October 21<sup>st</sup> trial date was set on July 1<sup>st</sup> with Eliyahu Babbad, the attorney from the office of Joseph I. Sussman who was present in Civil Court on July 1, 2015 with Mr. Chittur's associate, Andrey Strutinskiy. Attached to this letter is a printout from the New York Civil Court ecourts website that confirms that the October 21<sup>st</sup> trial date was rescheduled from July 1, 2015.



Hon. Katherin B. Forrest  
November 12, 2015  
Page 2

Leasing, that appearance, like virtually all Civil Court appearances involving Chittur & Associates, was handled by Mr. Strutinskiy alone.

Another example of Mr. Chittur's dissembling is his demonstrably false statement that "Northern Leasing was not interested in even talking settlement in any case where [Chittur & Associates] was involved." As Mr. Chittur knows well, Northern has settled several cases with his clients and has made several settlement offers to other clients. Indeed, in the related Angermeir case (12-cv-0055), one of the Plaintiffs (Marrou) accepted Northern's settlement offer, which settlement was finalized in October 2014. Three other Plaintiffs rejected Northern Leasing's settlement offers.<sup>2</sup>

While it certainly is true that Northern has no interest in rewarding Mr. Chittur for bringing patently frivolous cases against Northern<sup>3</sup>, its affiliates, its employees and its attorneys, as he has done repeatedly over the years, Northern Leasing carefully evaluates all relevant facts and makes informed business decisions regarding settlement in each case. Mr. Chittur's suggestion that Northern is never interested in talking settlement with him is, like his other statements to this Court, demonstrably false.

Respectfully submitted,

/s/

Robert D. Lillienstein

cc: Krishnan Chittur, Esq. (via ECF)

---

<sup>2</sup> The claims of the three *Angermeir* plaintiffs who rejected settlement offers were dismissed by this Court as a result of their willful failure to comply with multiple orders directing them to provide discovery. The Court may recall that Mr. Chittur's conduct in that case was also questionable.

<sup>3</sup> In the *Kollars* case to which Mr. Chittur refers, Mr. Kollars had admitted signing the lease in several court papers leading up to the trial, and even asserted a counterclaim alleging that he was fraudulently induced to sign the lease. A motion to set aside the jury verdict in that case is currently *sub judice*.



Hon. Katherin B. Forrest  
November 12, 2015  
Page 3



## *WebCivil Local - Appearance Detail*

Court: **New York County Civil Court**  
 Index Number: **CV-022033-12/NY**  
 Case Name: **NORTHERN LEASING SYSTEMS, INC. vs. LEITE, MICHELLE, AKA MICHELE C LATELLA, AKA MICHELLE LEITE**  
 Case Type: **Civil**

### **Appearance Information:**

Appearance Date	Time	Purpose	Appearance Outcome	Judge / Part	Motion Seq
10/21/2015	09:30 AM	Trial: Jury	Marked Off	Honorable Paul A. Goetz Part 5FS - Jury Forum Selection	
10/21/2015	09:30 AM	Motion	Granted to Extent per Order	Honorable Paul A. Goetz Part 30FS	005
10/21/2015	09:30 AM	Motion	Granted to Extent per Order	Honorable Paul A. Goetz Part 34FS	004
07/01/2015	09:30 AM	Trial: Jury	Adjourned	Honorable Paul A. Goetz Part 5FS - Jury Forum Selection	
07/01/2015	09:30 AM	Motion	Adjourned	Honorable Paul A. Goetz Part 34FS	004
04/28/2015	09:30 AM	Trial: Jury	Adjourned	Honorable Alexander M. Tisch Part 5 Civil Jury	
01/13/2015	09:30 AM	Trial: Jury	Adjourned	Honorable James D'Auguste Part 5 Civil Jury	
09/16/2014	09:30 AM	Trial: Jury	Adjourned	Honorable James D'Auguste Part 5 Civil Jury	
05/22/2014	09:30 AM	Trial: Bench	Adjourned	Honorable Jose A. Padilla Part 5 Civil Jury	



Hon. Katherin B. Forrest  
 November 12, 2015  
 Page 4

11/13/2013	09:30 AM	Trial: Jury	Marked Off	Honorable Debra Rose Samuels Part 5 Civil Jury	
11/12/2013	09:30 AM	Motion	Submitted	Honorable Robert R. Reed Part 30 - Procedural Motions	003
10/16/2013	09:30 AM	Motion	Denied	Honorable Nancy M. Bannon Part 30 - Procedural Motions	002
10/16/2013	09:30 AM	Motion	Granted	Honorable Nancy M. Bannon Part 30 - Procedural Motions	001
09/30/2013	09:30 AM	Motion	Adjourned	Honorable Nancy M. Bannon Part 30 - Procedural Motions	001
07/08/2013	09:30 AM	Trial: Bench	Rescheduled	Honorable Frank P. Nervo Part 86 - Judge d'Auguste	
07/08/2013	09:30 AM	Trial: Bench	Marked Off	Honorable Frank P. Nervo Part 84 - Judge Nervo	
07/08/2013	09:30 AM	Trial: Bench	Rescheduled	Honorable Jennifer G. Schechter Part 11 SRL	
03/18/2013	11:00 AM	Conference: Pretrial	Adjourned	Honorable Lynn R. Kotler Part 11 SRL	
01/08/2013	10:30 AM	Conference: Pretrial	Adjourned	Honorable Lynn R. Kotler Part 11 SRL	
11/01/2012	10:30 AM	Conference: Pretrial	Adjourned	Honorable Robert R. Reed Part 11 SRL	